

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
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**Description:** The Office of State Appellate Public Defender represents indigent clients who have appealed felony convictions from district court. The Appellate Public Defenders Office will only represent clients from counties which contribute to the Capital Crimes Defense Fund.

### FY 2005 Original Appropriation

3.00 FY 2005 Original Appropriation: HB 785

General	15.00	1,018,200	244,700	0	0	0	1,262,900
<b>Total</b>	<b>15.00</b>	<b>1,018,200</b>	<b>244,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,262,900</b>

### Appropriation Adjustments

4.21 HB 805 One-Time Salary Increase: One-time salary increases provided to state employees per HB 805 are reflected here.

General	0.00	8,700	0	0	0	0	8,700
<b>Total</b>	<b>0.00</b>	<b>8,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,700</b>

4.31 Supplemental - Funding for Mitigation and Investig: This decision unit reflects the need for a supplemental appropriation for mitigation and investigation in the post conviction phase of the current capital cases to which the State Appellate Public Defender (SAPD) is appointed. This funding is necessary to meet the right of effective assistance of counsel established by the 6th Amendment to the U.S. Constitution. Further, it is necessary to avoid the denial of a post conviction petition being overturned by the 9th Circuit Court of Appeals and returned to the state courts, resulting not only in the state having to pay for another post conviction petition, but the SAPD not being able to represent the petitioner because of conflict. Consequently, the SAPD would be required to pay both for the cost of the mitigation and investigation and the cost of the outside counsel.

General	0.00	0	833,700	0	0	0	833,700
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>833,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>833,700</b>

4.41 Rescission: The Governor recommends removal from agency budgets any unspent funds after complete implementation of HB 805.

General	0.00	(1,300)	(700)	0	0	0	(2,000)
<b>Total</b>	<b>0.00</b>	<b>(1,300)</b>	<b>(700)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(2,000)</b>

### FY 2005 Total Appropriation

General	15.00	1,025,600	1,077,700	0	0	0	2,103,300
<b>Total</b>	<b>15.00</b>	<b>1,025,600</b>	<b>1,077,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,103,300</b>

### FY 2005 Estimated Expenditures

General	15.00	1,025,600	1,077,700	0	0	0	2,103,300
<b>Total</b>	<b>15.00</b>	<b>1,025,600</b>	<b>1,077,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,103,300</b>

### Base Adjustments

8.12 FTP or Fund Adjustments: Restore risk management funding to the base. All further adjustments to risk management are based on actuarial calculations and are reflected in DU 10.45.

General	0.00	0	700	0	0	0	700
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>700</b>

8.41 Removal of One-Time Expenditures: This decision unit removes the remainder of the 1% appropriation provided in HB 805.

General	0.00	(7,400)	0	0	0	0	(7,400)
<b>Total</b>	<b>0.00</b>	<b>(7,400)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(7,400)</b>

Appellate Public Defender, State  
Appellate Public Defender

	<u>FTP</u>	<u>Personnel Costs</u>	<u>Operating Expenditures</u>	<u>Capital Outlay</u>	<u>Trustee/ Ben Payments</u>	<u>Lump Sum</u>	<u>Total Gov Rec</u>
<b>FY 2006 Base</b>							
General	15.00	1,018,200	1,078,400	0	0	0	2,096,600
<b>Total</b>	<b>15.00</b>	<b>1,018,200</b>	<b>1,078,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,096,600</b>
<b>Program Maintenance</b>							
10.11 Change in Benefit Costs: Changes in benefit costs reflect the increased cost of health insurance, reduced costs of unemployment insurance, and Division of Human Resources fees. Increases related to the change in the Public Employee's Retirement System are not included in this recommendation.							
General	0.00	11,100	0	0	0	0	11,100
<b>Total</b>	<b>0.00</b>	<b>11,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,100</b>
10.21 General Inflation Adjustments: The Governor recommends no increase for inflation.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
10.45 Risk Management Fee Charge: The Office of Insurance Management reports adjustments to various cost categories based on agency claims patterns.							
General	0.00	0	(100)	0	0	0	(100)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>(100)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(100)</b>
10.61 Salary Multiplier: The Governor recommends a compensation increase of 1% to be distributed based on merit. No adjustment to the pay line is recommended.							
General	0.00	9,100	0	0	0	0	9,100
<b>Total</b>	<b>0.00</b>	<b>9,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,100</b>
10.62 Group and Temporary: The Governor recommends a compensation increase of 1% to be distributed based on merit. No adjustment to the pay line is recommended.							
General	0.00	200	0	0	0	0	200
<b>Total</b>	<b>0.00</b>	<b>200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>200</b>
10.64 27th Payroll: Provide for the costs of one additional pay period in the fiscal year. This situation occurs every eleven years due to the difference in timing between two-week pay periods, a 365-day calendar, and additional days for leap years.							
General	0.00	35,400	0	0	0	0	35,400
<b>Total</b>	<b>0.00</b>	<b>35,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,400</b>
10.71 External Nonstandard Adjustments: Not recommended. This decision unit is for additional funding to offset an office space rent increase from \$44,940 to \$45,689.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FY 2006 Total Maintenance</b>							
General	15.00	1,074,000	1,078,300	0	0	0	2,152,300
<b>Total</b>	<b>15.00</b>	<b>1,074,000</b>	<b>1,078,300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,152,300</b>

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#### Program Enhancements

- 12.01 Additional FTPs to Manage Appellate Unit Caseload: This decision unit provides for 3.0 additional FTPs to reduce existing staff caseload in the Appellate Unit in order to conform with national standards. The current caseload carried by State Appellate Public Defender attorneys is more than twice the amount recommended by national standards. The standards were created, and are used, to insure that excessive caseloads do not prevent attorneys from meeting the 6th Amendment requirement of effective counsel.

General	3.00	187,300	53,900	26,600	0	0	267,800
<b>Total</b>	<b>3.00</b>	<b>187,300</b>	<b>53,900</b>	<b>26,600</b>	<b>0</b>	<b>0</b>	<b>267,800</b>

- 12.02 Additional FTPs to Manage Capital Unit Caseload: This decision unit provides an additional 3.0 FTPs for the Capital Litigation Unit to reduce the current caseload. The Capital Litigation Unit currently carries four cases with two more individuals recently being added and the expectation that another will be receiving the death penalty in February. With the potential for seven clients, the Capital Litigation Unit is over twice the national average necessary to comply with the 6th Amendment requirement of effective assistance of counsel.

General	3.00	212,800	18,000	14,100	0	0	244,900
<b>Total</b>	<b>3.00</b>	<b>212,800</b>	<b>18,000</b>	<b>14,100</b>	<b>0</b>	<b>0</b>	<b>244,900</b>

#### FY 2006 Gov's Recommendation

General	21.00	1,474,100	1,150,200	40,700	0	0	2,665,000
<b>Total</b>	<b>21.00</b>	<b>1,474,100</b>	<b>1,150,200</b>	<b>40,700</b>	<b>0</b>	<b>0</b>	<b>2,665,000</b>